



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
**NOV 06 2014**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL 7009 1680 0000 7663 5943**  
**RETURN RECEIPT REQUESTED**

Mr. Rodney Muzzarelli  
Owner  
Mid-City Plating Company, Inc.  
921 East Charles Street  
Muncie, Indiana 47305

Re: Consent Agreement and Final Order  
Mid-City Plating Company, Inc.  
Docket No: **RCRA-05-2015-0001**

Dear Mr. Muzzarelli:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The original was filed on November 6, 2014, with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$3,000 in the manner prescribed in paragraph(s) 58 through 68 of the CAFO, and reference all checks with the docket number **RCRA-05-2015-0001**. Your payment is due within thirty (30) calendar days of the effective date of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*. Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script, reading "Gary J. Victorine", is written over the typed name and title.

Gary J. Victorine, Chief  
RCRA Branch

Enclosures

cc: Ms. Nancy Johnston (w/CAFO), Indiana Department of Environmental Management  
([njohnsto@idem.in.gov](mailto:njohnsto@idem.in.gov))

bcc: ORC contact , ORC (C-14J)(w/CAFO)  
Program contact LR-8J (w/CAFO)  
Section Copy (w/CAFO)  
Official File (w/CAFO)

## NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

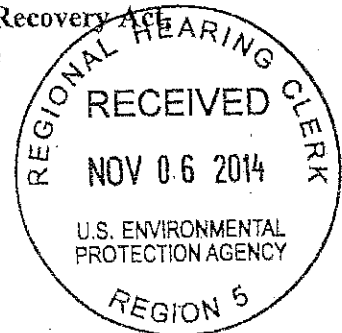
This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of:	)	Docket No. RCRA-05-2015-0001
	)	
Mid-City Plating Company, Incorporated	)	Proceeding to Commence and Conclude
921 East Charles Street	)	an Action to Assess a Civil Penalty
Muncie, Indiana 47305	)	Under Section 3008(a) of the Resource
	)	Conservation and Recovery Act
U.S. EPA ID No.: IND 006 049 456	)	42 U.S.C. § 6928(a)
	)	
Respondent	)	

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Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5.
3. U.S. EPA provided notice of commencement of this action to the State of Indiana pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is Mid-City Plating Company, Incorporated, a corporation doing business in the State of Indiana.

5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

#### **Jurisdiction and Waiver of Right to Hearing**

8. Jurisdiction for this action is conferred upon U.S. EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

#### **Statutory and Regulatory Background**

11. U.S. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3001 – 3007, and, 3013, among others, of RCRA, 42 U.S.C. §§ 6921 – 6927, and, 6934.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of U.S. EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C (Sections 3001-3023 of RCRA,

42 U.S.C. §§ 6921-6939e) or any state provision authorized pursuant to Section 3006 of RCRA constitutes a violation of RCRA, subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Indiana final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. [51 Fed. Reg. 3953 (January 31, 1986)]. Subsequent program revision applications were approved effective on December 31, 1986, January 19, 1988, September 11, 1989, September 23, 1991 (two separate revisions), September 27, 1991, September 30, 1991, October 21, 1996, November 30, 1999, and January 4, 2001. The U.S. EPA-authorized Indiana regulations are codified at Title 329 of the Indiana Administrative Code (IAC), Article 3.1-7-1 et seq. See also 40 C.F.R. § 272.700 et seq.

14. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both.

15. The Administrator of U.S. EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note (1996), required U.S. EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19, U.S. EPA may assess a civil penalty of up to \$32,500 per day for each violation of Subtitle C of RCRA that occurred after March 15, 2004

through January 12, 2009, and, \$37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009.

**Factual Allegations and Alleged Violations**

17. Respondent was and is a "person" as defined by 329 IAC §§ 3.1-4-1 and 3.1-4-1(b) [40 C.F.R. 260.10], and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

18. Respondent is, and was at all times relevant to this CAFO, the owner and operator of a "facility" as defined by 329 IAC §§ 3.1-4-1 and 3.1-4-1(b), and 40 C.F.R. § 260.10, which is located at 921 East Charles Street, in Muncie, Indiana.

19. On or about March 1, 1990, Respondent submitted a Hazardous Waste Notification to U.S. EPA for the facility.

20. The facility consists of land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

21. Respondent performs zinc electroplating on steel, as well as chromate conversion coatings and electro-coating.

22. On June 22, 2010, a U.S. EPA Inspector conducted an inspection at Respondent's facility.

23. On March 11, 2011, U.S. EPA issued a Notice of Violation (NOV) to Respondent alleging certain violations of RCRA identified as a result of the inspection.

24. On April 12, 2011, Respondent submitted to U.S. EPA a written response to the NOV explaining its position with respect to the violations alleged in the NOV.

25. On July 10, 2012, Respondent submitted additional information regarding the alleged violations to U.S. EPA.

26. On September 11, 2013, a U.S. EPA Inspector conducted a follow-up inspection at Respondent's facility.

27. The September 11, 2013 inspection identified violations of RCRA in addition to those violations identified during the June 22, 2010 inspection.

28. At all times relevant to this CAFO, Respondent generated solid wastes including, waste water treatment sludge from electroplating operations and plating bath residues from the bottom of plating baths from electroplating operations where cyanides were used in the process.

29. During calendar years 2010 and 2013, Respondent's processes at the Facility generated hazardous waste, including listed hazardous wastes with the hazardous waste numbers "F006" and "F008."

30. The hazardous wastes identified in Paragraph 28, above, consisted of waste water treatment filter press sludge; the collection of cyanide waste from the cleaning out of plating baths; and acid and alkaline plating bath materials.

31. During calendar years 2010 and 2013, the hazardous waste generated by Respondent also included corrosive hazardous waste with the hazardous waste number "D002."

32. Respondent is, and was at all times relevant to this CAFO, a "generator" of hazardous waste as defined in 329 IAC §§ 3.1-4-1 and 3.1-4-1(b), and 40 C.F.R. § 260.10.

33. Respondent generated more than 1,000 kilograms (2,205 pounds) of hazardous waste in a calendar month, in 2010 and 2013.

34. Respondent was at all times relevant to this CAFO, a "large quantity generator" of hazardous wastes within the meaning of 329 IAC §§ 3.1-4-1 and 3.1-4-1(b), and 40 C.F.R. §§ 260.10 and 262.34.

35. During calendar years 2010 and 2013, Respondent accumulated between one and 5000 kilograms of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) and was, therefore, a small quantity handler of universal waste, as defined in IAC § 329 3.1-16-1 and 40 CFR § 273.9.

36. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921 - 6939e, or the analogous Indiana regulations as part of the applicable state hazardous waste management program for the state of Indiana, or both.

37. At all times relevant to this CAFO, the State of Indiana has not issued a permit to Respondent to treat, store, or dispose of hazardous waste at the facility.

38. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at the facility.

39. Based on the inspections conducted on June 22, 2010 and September 11, 2013, and a review of additional information provided to U.S. EPA by Respondent, U.S. EPA has identified the following violations by Respondent of the federal and authorized State of Indiana RCRA hazardous waste program regulations:

- a. Storage of hazardous waste without a permit or interim status, in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and the requirements of 329 IAC §§ 3.1-13-1, 3.1-13-2(1), (2), (3), (4), 3.1-13-3 to 3.1-13-17 and 40 C.F.R. §§ 270.1(c) and 270.10(a) and (d), and 270.13;
- b. Failure to ensure that the date, upon which each period of accumulation begins, was clearly marked and visible on each container of hazardous waste, and while being accumulated on-site, that each container of hazardous waste was labeled or marked clearly with the words, "Hazardous Waste," in violation of 329 IAC §§ 3.1-7-1 and 3.1-10-1, and 40 C.F.R. § 262.34(a)(2) and (a)(3);
- c. Storing five 55-gallon containers of F008 hazardous waste and three cubic yard boxes of F006 hazardous waste for greater than ninety (90) days without a permit, in violation of 329 IAC § 3.1-7-1 and 40 C.F.R. § 262.34(b);

- d. Failure to keep containers holding hazardous waste closed during storage, except when it is necessary to add or remove waste, in violation of 329 IAC §§ 3.1-7-1; 3.1-10-1 and 40 CFR §§ 262.34(a)(1)(i) and 265.173(a);
- e. Failure to have a written assessment, reviewed and certified by an independent, qualified, registered professional engineer, attesting that the "New Tank System" has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste, in violation of 329 IAC § 3.1-10-1 and 40 CFR §§ 262.34(a)(ii) and 265.192(a);
- f. Failure to meet all requirements for a "New Tank System" in violation of 329 IAC §§ 3.1-10-1 and 3.1-10-2, 40 CFR § 262.34(a)(1)(ii), and 40 CFR §§ 265.192(d); 265.193; 265.194; and 265.195;
- g. Failure to make hazardous waste determinations in violation of 329 IAC § 3.1-7-1 and 40 C.F.R. § 262.11;
- h. Failure to remove hazardous waste from a manufacturing process unit after 90 days of storage once the unit ceases to be operated for manufacturing, in violation of 329 IAC § 3.1-6-2 and 40 C.F.R. § 261.4(c);
- i. Failure to store and label universal waste lamps, as required, in violation of 329 IAC § 3.1-16-1 and 40 C.F.R. §§ 273.13(d)(1), 273.13(d)(2), and 273.14(e); and
- j. Failure to store universal waste lamps with an ability to demonstrate the length of time the universal waste had been accumulated from the day it became a waste, in violation of 329 IAC § 3.1-16-2 and 40 C.F.R. § 273.15(c).

#### **Compliance Order**

40. Respondent is hereby ordered pursuant to the authority granted in Section 3008(a) of RCRA, 42 USC § 6928(a), and 40 CFR § 22.37(b) to comply with the following requirements:

41. Within thirty (30) days of the effective date of this CAFO, Respondent shall arrange for the proper treatment, recycling and/or disposal of any and all hazardous wastes currently on-site at the Muncie facility, at an off-site facility permitted for the treatment, recycling and/or disposal of those wastes, in accordance with all applicable RCRA regulations.

42. Copies of all shipping records demonstrating compliance with paragraph 41, above, must be submitted to the U.S. EPA within ten (10) days of the last shipment of hazardous waste currently on-site at the Muncie facility.

43. Within one hundred and twenty (120) days of the effective date of this CAFO, Respondent shall remove all material from the waste water treatment trenches of all plating lines.

44. Respondent must make a waste determination on the material removed from trenches, as mentioned in paragraph 43, above, and arrange for the proper treatment, recycling and/or disposal of any and all wastes in accordance with all applicable RCRA regulations.

45. Copies of all shipping records demonstrating compliance with paragraph 44, above, must be submitted to the U.S. EPA within ten (10) days of the last shipment of waste generated by the removal of waste from the waste water treatment trenches.

46. Photographs of all trenches demonstrating compliance with paragraph 43, above, must be submitted to U.S. EPA within ten (10) days of all waste being removed from the waste water treatment trenches.

47. Within two hundred and twenty (220) days of the effective date of this CAFO, Respondent shall remove all material in the pit, located underneath the Jessup Line, and install a pump which continually pumps the Jessup Line rinse waters back into the Jessup Line process tanks.

48. Respondent must make a waste determination on the material removed from the Jessup Line pit, as mentioned in paragraph 47, above, and arrange for the proper treatment, recycling and/or disposal of any and all wastes in accordance with all applicable RCRA regulations.

49. A copy of the waste determination required by paragraph 48, above, and copies of all shipping records demonstrating compliance with paragraph 48, above, must be submitted to the U.S. EPA within ten (10) days of the last shipment of waste generated by this Jessup Line pit clean-out.

50. Photographs of the clean pit and the working pump demonstrating compliance with paragraph 47, above, must be submitted to U.S. EPA within ten (10) days of the pit being cleaned and the pump being installed and working properly.

51. Within three hundred and fifty days (350) days of the effective date of this CAFO, Respondent shall clean out the material from the inside of the Utilite Machine and surrounding floor.

52. If Respondent intends to use the material cleaned out of the Utilite Machine as product, then within ten (10) days of the Utilite Machine and surrounding floor being cleaned out, as required by paragraph 51, Respondent must submit a certified statement to U.S. EPA stating that Respondent intends to use the material cleaned out of the Utilite Machine and surrounding floor as product within 1-5 years from the effective date of this CAFO.

53. Respondent must otherwise treat and/or dispose of the material cleaned out of the Utilite Machine, as mentioned in paragraph 51, above, in accordance with all applicable RCRA regulations.

54. If applicable, copies of all shipping records demonstrating compliance with paragraph 53, above, must be submitted to the U.S. EPA within ten (10) days of the last shipment of waste generated by the Utilite Machine clean-out.

55. Respondent shall notify U.S. EPA in writing within two hundred and forty (240) days of the effective date of this CAFO certifying compliance with the Compliance Order provisions of this CAFO described in paragraphs 42 through 50.

56. Respondent shall notify U.S. EPA in writing within three hundred sixty five (365) days of the effective date of this CAFO certifying compliance with the Compliance Order provisions of this CAFO described in paragraphs 51 through 54.

57. Respondent shall submit all reports, submissions, and notifications required by the Compliance Order provisions of this CAFO, described in paragraphs 41 through 56, both via electronic submission to [paulin.jamie@epa.gov](mailto:paulin.jamie@epa.gov) and via hardcopy submission to the U.S. EPA, Region 5, Land and Chemicals Division, RCRA Branch, Attention: Jamie Paulin (LR-8J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

#### **Civil Penalty**

58. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is three thousand dollars (\$3,000). In determining the penalty amount, Complainant took into account the seriousness of the violations; Respondent's good faith efforts to demonstrate and achieve compliance with the applicable requirements; Respondent's ability to pay; and other factors outlined in U.S. EPA's RCRA Civil Penalty Policy, dated June 23, 2003.

59. Respondent must pay the \$3000.00 civil penalty in three installments with interest as follows:

	Due by:	Payment	Principal	Interest
Payment 1	30 days from Effective Date	\$1000.00	\$1,000.00	\$0.00
Payment 2	180 days from Effective Date	\$1003.81	\$998.75	\$5.06
Payment 3	365 days from Effective Date	\$1003.81	\$1001.25	\$2.56
	<b>Totals:</b>	<b>\$3007.62</b>	<b>\$3000.00</b>	<b>\$7.62</b>

60. Respondent must pay each installment of the civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

61. The check must state the case name and the docket number of this CAFO.

62. A transmittal letter, stating the case name, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-13J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Jamie Paulin (LR-8J)  
RCRA Branch  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Jacqueline Clark (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

63. This civil penalty is not deductible for federal tax purposes.

64. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States' enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

65. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO: Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Respondent must pay a \$15 handling charge each month on any portion of the penalty that is more than thirty (30) days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount ninety (90) days past due.

66. If Respondent violates any requirement of the Compliance Order provisions of this CAFO, set forth in paragraphs 41 through 57, including failing to submit all reports, submissions, and notifications required by paragraphs 41 through 57, Respondent must pay stipulated penalties to the United States as follows:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100.00	1 <sup>st</sup> through 14 <sup>th</sup> day
\$250.00	15 through 30 <sup>th</sup> day
\$500.00	31 <sup>st</sup> day and beyond

67. U.S. EPA's determinations of whether Respondent satisfactorily completed the Compliance Order provisions of this CAFO, and whether Respondent made good faith and timely efforts to complete the Compliance Order provisions of this CAFO, will bind Respondent.

68. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 60, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

### General Provisions

69. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

70. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

71. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

72. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, U.S. EPA's RCRA Civil Penalty Policy, and U.S. EPA's Hazardous Waste Civil Enforcement Response Policy (December 2003).

73. The terms of this CAFO bind Respondent, its successors, and assigns.

74. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

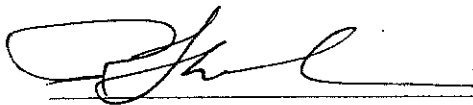
75. Each party agrees to bear its own costs and attorney's fees in this action.

76. This CAFO constitutes the entire agreement between the parties.

**Mid-City Plating Company, Inc., Respondent**

SEPTEMBER 29, 2014

Date



Mr. Rodney Muzzarelli  
Owner  
Mid-City Plating Company, Inc.

**United States Environmental Protection Agency, Complainant**

10/17/2014  
Date

Michael D. Harris <sup>for M.G.</sup>  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

**In the Matter of:**  
**Mid-City Plating Company, Inc.**  
**Docket No. RCRA-05-2015-0001**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

10-24-2014  
Date

S. Hedman  
Susan Hedman  
Regional Administrator  
United States Environmental Protection Agency  
Region 5

**Consent and Final Order**  
**In the Matter of: Mid-City Plating Company, Inc.**

**DOCKET NO: RCRA-05-2015-0001**

**CERTIFICATE OF SERVICE**

I hereby certify that today I filed the original of this Consent Agreement and Final Order (CAFO) docket number **RCRA-05-2015-0001** the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed the second original copy to Respondent by first-class, postage prepaid, certified mail, return receipt requested, by placing it in the custody of the United States Postal Service addressed as follows :

Mr. Rodney Muzzarelli  
Owner  
Mid-City Plating Company, Inc.  
921 East Charles Street  
Muncie, Indiana 47305  
Certified Mail # 7009 1680 0000 7663 5943

I certify that I delivered a correct copy of the CAFO by intra-office mail, addressed as follows:

Regional Judicial Officer (C-14J)  
U.S. Environmental Protection Agency  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

On the 6 Day of NOVEMBER Ruben B. Aridge

Ruben B. Aridge  
Office Administrative Assistant  
United States Environmental Protection Agency  
Region V  
Land and Chemicals Division LM-8J  
77 W. Jackson Blvd, Chicago, IL 60604-3590

Certified Mail Receipt Number: **7009 1680 0000 7663 5943**